

Appn No. 10/566,144
Amdt date September 9, 2008
Reply to Office action of June 9, 2008

REMARKS/ARGUMENTS

Claims 1, 4, 6-24 and 28-31 are pending in the application.

Claims 1, 4, 6, 9, 11-13, 16, 17, 20-24 and 28-30 have been rejected under 35 U.S.C. 102(e) over Niemiec, et al. (US 2003/0063524). Applicants have amended claim 1 to recite "an electrical data memory including at least one memory cell having electronic components, the memory cell being assigned to the compartment," and "wherein the compartment forms an integral part of the electronic components of the memory cell." Applicants believe that Niemiec fails to teach or suggest the noted limitations of claim 1.

Referring to FIG. 1 of Niemiec, the medication package 102 has medication containments 120. Each medication containment 120 has a conductor wire 118 which severs upon a patient accessing the medication in the containment 120. *See paragraph [0022] of Niemiec.* The medication package 102 includes a processor 126 and a memory module as shown in FIG. 1. However, each medication containment 120 is not formed as an integral part of the electronic components of the memory module. As shown in FIG. 1, the wire 118 for each medication containment 120 extends from the medication containment 120 to a portion of the medication package 102 in which the memory module is housed. Accordingly, in contrast to claim 1, Niemiec fails to teach or suggest that the compartment forms an integral part of the electronic components of the memory cell.

Based on the foregoing, Applicants believe that claims 1, 4, 6, 9, 11-13, 16, 17, 20-24 and 28-30 are patentable over Niemiec.

Claim 10 has been rejected under 35 U.S.C. 103 (a) over Niemiec, et al. (US 2003/0063524). Claims 7 and 8 have been rejected under 35 U.S.C. 103 (a) over Niemiec, et al. (US 2003/0063524) and further in view of Parkhurst, et al. (US 5,412,372). Claim 14 has been rejected under 35 U.S.C. 103 (a) over Niemiec, et al. (US 2003/0063524) and further in view of Gunnarsson (US 5,862,222). Claim 15 has been rejected under 35 U.S.C. 103 (a) over Niemiec, et al. (US 2003/0063524) and further in view of Collins, et al. (US 6,392,544). Claim 18 has

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been rejected under 35 U.S.C. 103 (a) over Niemiec, et al. (US 2003/0063524) and further in view of Qiu, et al. (US 6,696,953). Claim 19 has been rejected under 35 U.S.C. 103 (a) over Niemiec, et al. (US 2003/0063524) and further in view of Beigel, et al. (US 6,888,502). Claim 31 has been rejected under 35 U.S.C. 103(a) over Niemiec in view of Becker US 5,508,684). Because claim 1 is patentable over Niemiec, Applicants believe that claims 7, 8, 10, 14, 15, 18, 19 and 31 are also patentable over Niemiec when considered alone or in combination with any of the above listed references.

Applicants believe that the claims are now in condition for allowance.

Respectfully submitted,
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